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**VIA ECF**

The Honorable Judge Andrew L. Carter, Jr.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 435  
New York, NY 10007

**Re: *Scott et al v. AAM Holding Corp. et al***  
**Case No. 1:23-cv-01909(ALC)**

Dear Judge Carter:

This firm represents Defendants AAM Holding Corp., 59 Murray Street Enterprises, Inc., Barry Lipsitz, and Barry Lipsitz, Jr. (collectively “Defendants”) in the above-captioned matter. We write to provide an update regarding the parties’ settlement negotiation in the above referenced case as requested by Your Honor during the pre-motion conference held on November 13, 2023.

We have yet to receive a revised settlement demand from Plaintiffs’ counsel after providing Plaintiffs’ counsel with Defendants’ minimum wage calculations. Therefore, we believe that further settlement negotiations, at this moment, will be futile. Accordingly, Defendants intend to move forward with their motion to compel arbitration and motion to stay discovery. Defendants propose the following briefing schedule for Defendants’ motions: Opening Brief due on January 5, 2024; Plaintiffs’ Opposition Brief due on January 19, 2024; and Defendants’ Reply Brief due February 2, 2024.

Respectfully Submitted,

/s/ Jeffrey A. Kimmel

Jeffrey A. Kimmel

Partner

For the Firm

cc: Plaintiffs' attorney (via ECF)